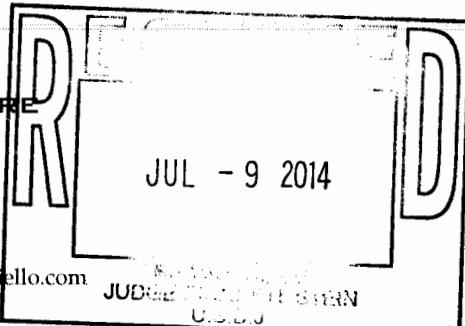


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**VIA ECF**

Hon. Sidney H. Stein  
 United States District Judge  
 Daniel Patrick Moynihan  
 United States Courthouse  
 500 Pearl St.  
 New York, NY 10007

**MEMO ENDORSED**

Re: *Rodriguez, et al. v. It's Just Lunch International, et al.*,  
 Index No.: 07-CV-9227 (SHS)(KNF)

Dear Judge Stein:

I am the class counsel in the above-referenced matter and I write on behalf of all parties to respectfully request adjournment of the preliminary conference scheduled for July 29, 2014, in light of the parties' ongoing settlement efforts. We also ask, and Defendants consent, that the Court assign a magistrate judge not previously involved with this action to mediate the parties' attempts to resolve this matter in the most efficient manner.

Since the Court granted class certification on May 28, 2014, the parties have exchanged numerous phone calls and other correspondence in efforts to further settlement negotiations. The parties believe that a magistrate judge will assist these efforts through the mediation process. As the Court knows, this litigation has been pending for nearly seven years, with the currently assigned magistrate judge having decided multiple dispositive motions. I respectfully believe a new neutral with a fresh view of the case would be best suited to serve as a mediator. The parties thus respectfully ask that the Court adjourn the preliminary conference date so to allow the parties additional time to attempt to reach a settlement, and Plaintiffs ask, with Defendants' consent, that the Court appoint a magistrate judge not previously involved in this dispute to mediate the settlement discussions. Should the Court grant the parties' relief, the parties will report the status of the settlement by August 8, 2014.

Respectfully submitted,

John G. Balestriere

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